

# **FISCAL MEMORANDUM**

## **SB 3987 – HB 3991**

April 7, 2008

**SUMMARY OF AMENDMENT (016420):** Deletes Tenn. Code Ann. § 39-13-114 in Section 1 of the original bill. Creates a new class E felony offense for knowingly removing a chemical weapon, handcuffs or flex-cuffs from a law enforcement officer. Creates a new Class D felony offense for knowingly removing a firearm or stun weapon from a law enforcement officer. Creates a new B felony offense for aggravated assault on a law enforcement officer.

### **FISCAL IMPACT OF ORIGINAL BILL:**

Increase State Expenditures - \$1,403,400/Incarceration\*

Decrease Local Revenue – Less than \$100,000

Decrease Local Expenditures – Exceeds \$100,000

### **FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Increase State Expenditures - \$639,800/Incarceration\***

Assumptions applied to amendment:

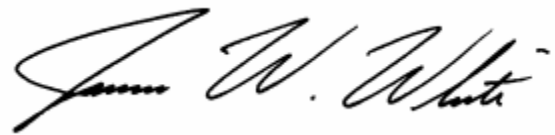
- One person will be convicted of a Class E felony for removing a chemical weapon or handcuffs from a law enforcement officer and will serve 0.3 years (109.58 days). The cost per inmate at 0.3 years is \$6,879.43 (\$62.78 x 109.58 days).
- One person will be convicted of a Class D felony for removing a firearm or stun weapon from a law enforcement officer and will serve 0.6 years (219.15 days). The cost per inmate at 0.6 years is \$13,758.24 (\$62.78 x 219.15 days).
- According to data published by the Tennessee Bureau of Investigation, there has been an average of 814 aggravated assaults per year for the past four years.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years, yielding a projected compound population growth of 13.6 percent over the next 10 years.

- Aggravated assault is currently punishable as a Class C or Class D felony. Estimate assumes two percent (16) of the offenders ( $814 \times .02 = 16$ ) convicted of aggravated assault on law enforcement officers would be convicted of a Class B felony and would serve an additional 1.5 years (an increase from 0.9 years to 2.4 years) in the first year. Population growth will result in two additional offenders in the tenth year. The maximum cost in the tenth year is based on 18 offenders serving additional time on their sentences. The cost per inmate at 0.9 years is \$20,637.67 ( $\$62.78 \times 328.73$  days). The cost per inmate at 2.4 years is \$55,032.95 ( $\$62.78 \times 876.60$  days). The additional cost from increasing the average sentence length from 0.9 years to 2.4 years is \$34,395.28 ( $\$55,032.95 - \$20,637.67$ ). The total additional operating cost for 18 offenders is \$619,115.04 ( $\$34,395.28 \times 18$ ).

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/lsc